

Local Adoption in NSW

Information for Maternity Clinicians, Social Workers and Other Health Staff

(August 2024)

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Parents can request a voluntary adoption for their child. This is also known as ‘local adoption’ and a small number of parents across NSW make this request each year.

Adoption is a legal process which transfers all parental responsibility permanently from the child’s birth parents to their adoptive parents. The Adoption Act 2000 and the Adoption Regulation 2015 govern law and practice in this area.

Open Adoption Practice in NSW

Contemporary adoption practice is based on the principle of ‘openness’. Relationships between birth and adoptive families are encouraged and children are supported to have an understanding of their adoption and identity.

Parents considering open adoption participate in mandatory pre-adoption counselling with an adoption caseworker. The caseworker assists them to explore various options for the care of their child as well as the legal and emotional effects of an adoption decision.

Each of the child’s parents have parental responsibility and are invited to participate equally in adoption decision making (including for children conceived as a result of an assault). In some circumstances an application can be made to the NSW Supreme Court to dispense with a parent’s consent to their child’s adoption, for example when a father cannot be identified or located after reasonable inquiry.

Naming and Birth Certificates

Parents are encouraged to name their child and are supported to understand the importance of their child knowing a parent or family member chose their name. Adoption legislation ensures that the child’s given names are preserved wherever possible and should only be changed where it is in the best interests of the child.

Following an adoption order, the child is issued with a new post-adoptive birth certificate. A post-adoptive birth certificate records the adoptive parents in place of the child’s parents at birth. Adopted children in NSW also receive an Integrated Birth Certificate (IBC) which includes information about their birth family and their adoptive family on the same certificate.

Adoption Information during Pregnancy

Hospitals and other health services are often the first point of contact for parents considering adoption of their unborn or newborn child. Parents are likely to be experiencing a range of complex emotions. It is important to communicate without judgment with any parent seeking support about their decision.

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The Department of Communities and Justice (DCJ) is the only agency that provides voluntary local adoption services in NSW. Health staff can contact DCJ for information and advice regarding local adoption (contact details below). It is not necessary for the parents' identifying details to be provided to DCJ at the initial enquiry stage unless there are concerns about risk to the child.

An adoption caseworker can provide the 'Mandatory Written Information on Adoption' (MWI) to guide early discussions with parents. MWI can also be accessed from the DCJ website <https://dcj.nsw.gov.au/children-and-families/adoption/about-adoption-for-birth-parents.html>.

An adoption caseworker can have discussions with parents during pregnancy if requested, but formal steps in the adoption process do not commence until after a baby is born. This gives the parents the opportunity to consider how they feel after their child is born. It is not unusual for parents to decide to change their mind and parent their child.

Privacy

Parents who request adoption for their child will have their adoption information managed under the provisions of the *Adoption Act 2000*. This legislation determines who is able to access adoption information and at what time.

Generally, parents can choose whether or not to involve extended family in their early decision making because at that time, they have parental responsibility for their child. If relevant, pre-adoption counselling will explore the implications of parents excluding other family members from knowing about the child and their adoption plans.

Local and Child Protection Considerations

A request for a local adoption service is not necessarily the same as a parent relinquishing care and does not automatically require a report to the DCJ Child Protection Helpline (where there are no child protection concerns).

If there are child protection concerns, the usual procedures within the hospital or health service should be followed. A report to the Child Protection Helpline (Ph. 132 111) should be made if a parent discharges themselves from hospital without their baby before they have engaged with an adoption service. If a report is made to the Helpline, the parent's request for a voluntary adoption service should be communicated.

Following Birth

If parents communicate to hospital staff that they wish to consider adoption, the hospital social worker, with the agreement of the parents, should contact DCJ to advise of the baby's birth and the parent's request. This should occur even if a Helpline report has been made.

An adoption caseworker will visit the parents at the earliest opportunity. The child may be placed with an authorised foster carer whilst the parents are considering adoption. This may be an agreed arrangement between DCJ and the parents which does not necessarily involve a court order.

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The parents retain parental responsibility for the child during the agreed arrangement. Decisions about minor medical treatment (as advised by a medical practitioner) can be made by whoever has care responsibility. In some cases the Secretary of DCJ or an authorised carer will have care responsibility for the child during the agreed arrangement. Medical consents for major procedures however, need to be considered on a case by case basis and can be discussed with the adoption caseworker.

Parents cope differently with their emotions at this time. Some parents may decide not to see their baby while others may choose to spend as much time with them as possible while in hospital. Please support the parents in whatever decisions they choose to make.

Assistance requested while Baby is in Hospital

- After obtaining consent to contact the DCJ local adoption team (when there are no child protection concerns), hospital staff will usually be asked to assist in the following ways Supporting parents to spend time with their baby in whatever way they feel comfortable.
- Taking photos of baby and of parents with their baby (if parents are comfortable with this) to be provided to DCJ.
- Gathering birth memorabilia such as cot cards, ID tags, hand/footprints, professional photos (if relevant) and other mementos. Separate copies are requested, for parents and for potential future adoptive parents.
- Providing information to the adoption service about the child's health and developmental needs to inform foster placement considerations and discharge time frames.
- Supporting parents' wishes regarding the involvement of extended family members and their contact with baby while in hospital. If there are specific issues, questions or concerns about managing this please discuss with the adoption service.
- Supporting parents if they decide they would like to meet the foster carer prior to baby's discharge.
- Arranging for the relevant medical officer to complete the 'Medical Report Following Birth of Child' required under the *Adoption Regulations 2015*. Only one form is required at this time and will be provided by the adoption caseworker.
- Respecting and maintaining the privacy for birth parents regarding their adoption decision.
- Providing the original Newborn Child Declaration form with completed 'Proof of Birth declaration' to DCJ.
- Adoption caseworkers may assist parents with enrolling the child in Medicare, registering the child's birth, and/or applying for the birth certificate at a later stage.

At Discharge

Hospital staff may be asked to assist in the process of discharging a child from hospital into the care of an authorised foster carer. A letter introducing the carer and authorising the hospital to discharge the child into their care will be provided by DCJ.

Please ensure that the child's Blue Book and any other medical documentation provided to the foster carer does not contain any identifying details of the birth family. Please advise the foster carer and adoption service of any health appointments for the child that will require follow up.

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What happens after baby leave Hospital?

The steps and time frames in the adoption process ensure that decisions are made in a carefully considered and fully informed way. Legal consent for adoption cannot be given before a child is 30 days old.

During this time, children are generally cared for by an authorised foster carer and visits between a child and their birth family are encouraged and supported. Parents can change their mind at any time during the counselling process and up to 30 days after giving their consent. If this occurs, a plan is developed for the child to return home. Parents can also choose to care for their child during the pre-adoption process.

If parents decide to proceed with adoption, they are invited to participate in choosing an adoptive family for their child. DCJ assesses and approves adoptive parents. The adoption caseworker will continue to support parents to access other support services during the adoption process.


Local Adoption Contact Details

DCJ Open Adoption and Permanency Services

02 9716 3003

adoption.permanentcare@dcj.nsw.gov.au

Provides services statewide



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Communities
& Justice